

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED *for Roanoke*

APR 25 2006

JOHN F. CORCORAN, CLERK  
BY: *Sam Delibeth*  
DEPUTY CLERK

TIMOTHY D. THORTON,  
Plaintiff,

v.

DANVILLE CITY JAIL,  
Defendant.

)  
) Civil Action No. 7:06-cv-00156  
)

) **DISMISSAL ORDER**  
)

) By: Jackson L. Kiser  
) Senior United States District Judge  
)

Plaintiff Timothy D. Thorton, a Virginia inmate proceeding pro se, brings this action pursuant to 42 U.S.C. §1983, with jurisdiction vested under 28 U.S.C. §1343. In the conditional filing order entered March 23, 2006, plaintiff was advised that he failed to allege facts in his complaint stating a claim under §1983 against anyone. Plaintiff was directed to amend his complaint to name individual defendants and to particularize his claims within twenty days of the date of entry of that order. Additionally, plaintiff was assessed a filing fee of \$250.00 pursuant to 28 U.S.C. §1915(b) and directed to execute the then enclosed consent to withholding of fees from his inmate account. Plaintiff was advised that failure to comply with the court's order within the allotted twenty days would result in dismissal of the complaint without prejudice.

Inasmuch as more than twenty days have elapsed and plaintiff has failed to make any attempt comply with that order, it is hereby

**ORDERED**

that this case shall be and hereby is **DISMISSED** without prejudice, all pending motions are hereby **DENIED as MOOT**; and that this case be and hereby is **STRICKEN** from the active docket of this court.

The Clerk of the Court is directed to send a certified copy of this Order to plaintiff.

ENTER: This 25<sup>th</sup> day of April, 2006.

*Jackson L. Kiser*  
Senior United States District Judge